

LABOR SERVICES DIVISION[875]

Notice of Intended Action

Proposing rule making related to conveyances and providing an opportunity for public comment

The Elevator Safety Board hereby proposes to amend Chapter 66, “Waivers or Variances from Administrative Rules by the Elevator Safety Board,” Chapter 67, “Elevator Safety Board Petitions for Rule Making,” Chapter 68, “Declaratory Orders by the Elevator Safety Board,” Chapter 69, “Contested Cases Before the Elevator Safety Board,” Chapter 70, “Public Records and Fair Information Practices of the Elevator Safety Board,” Chapter 71, “Administration of the Conveyance Safety Program,” Chapter 72, “Conveyances Installed On or After January 1, 1975,” and Chapter 73, “Conveyances Installed Prior to January 1, 1975,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 89A.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 89A.

Purpose and Summary

This proposed rule making would make editorial and technical changes; rescind an obsolete exception for platform guards; set forth the function of electrical protective devices that are currently required; require that certain existing control panels be locked; update obsolete language; require the installation of hoistway lighting for new and altered elevators; replace the rule concerning accident and injury reporting with a clearer rule on the same topic; create two narrow exemptions from the existing requirements for older elevators; and codify the current practice concerning the presence of a mechanic during an escalator inspection.

A proposed amendment to require that most wiring for new conveyances be installed in conduit is included. This amendment would align the requirements for new elevators with the requirements for older elevators.

Fiscal Impact

The requirement for installation of hoistway lighting for new and altered elevators will have a minimal impact when an elevator is installed or altered. The requirement that certain existing control panels be locked represents a nominal expense. The requirement to enclose most wiring related to new conveyances will cost about \$100 for a new installation. There are about 250 new installations in a year, and the majority of installers use conduit even though it is not required.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 875—Chapter 66.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on May 2, 2018. Comments should be directed to:

Kathleen Uehling
Division of Labor Services
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Email: kathleen.uehling@iwd.iowa.gov

Public Hearing

If requested in accordance with Iowa Code section 17A.4(1)“b” by close of business on May 1, 2018, a public hearing at which persons may present their views orally or in writing will be held as follows:

May 2, 2018	150 Des Moines Street
9 a.m.	Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs by calling 515.725.5615.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 875—66.5(17A,89A), introductory paragraph, as follows:

875—66.5(17A,89A) Content of petition. The required form for a petition for waiver or variance is available on the board's ~~Web site~~ [website](http://www.iowaworkforce.org/labor/elevatorboard.htm) at <http://www.iowaworkforce.org/labor/elevatorboard.htm> www.iowaelevators.gov. A petition for waiver shall include the following information where applicable and known to the petitioner:

ITEM 2. Amend rule 875—67.1(17A,89A), introductory paragraph, as follows:

875—67.1(17A,89A) Petitions for rule making. Any person or agency may file a petition for rule making with the board requesting the adoption, amendment or repeal of a rule. The required form for a petition for rule making is available on the board's ~~Web site~~ [website](http://www.iowaworkforce.org/labor/elevatorboard.htm) at <http://www.iowaworkforce.org/labor/elevatorboard.htm> www.iowaelevators.gov. The petition shall be filed at the location specified in rule 875—65.5(89A). A petition is deemed filed when it is received by the board office. The board office shall provide the petitioner with a file-stamped copy of the petition if the petitioner provides the board an extra copy for this purpose. The petition must be in writing and provide the following information where applicable and known to the petitioner:

ITEM 3. Amend subrule 68.1(1), introductory paragraph, as follows:

68.1(1) The required form for a petition for declaratory order is available on the board's ~~Web site~~ website at ~~<http://www.iowaworkforce.org/labor/elevatorboard.htm>~~ www.iowaelevators.gov. The petition must be in writing and provide the following information where applicable and known to the petitioner:

ITEM 4. Amend subrule 69.1(1), introductory paragraph, as follows:

69.1(1) A petition for reconsideration shall be in writing and must be signed by the requesting party or a representative of that party. The required form for a petition for reconsideration is available on the board's ~~Web site~~ website at ~~<http://www.iowaworkforce.org/labor/elevatorboard.htm>~~ www.iowaelevators.gov. A petition for reconsideration shall specify:

ITEM 5. Amend subrule 70.3(1) as follows:

70.3(1) ~~*Location of record Address.*~~ ~~A request for access to a record should be directed to the board at the~~ The board's mailing address is Department of Workforce Development, Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319. The board's staff is located at 150 Des Moines Street, Des Moines, Iowa.

ITEM 6. Adopt the following **new** subrule 71.11(10):

71.11(10) *Escalator inspections.* The owner shall arrange for an escalator mechanic to be on site to assist with the inspection. The inspector shall work with the owner to arrange an inspection time.

ITEM 7. Rescind rule 875—71.19(89A) and adopt the following **new** rule in lieu thereof:

875—71.19(89A) Accidents and injuries.

71.19(1) This rule applies to a conveyance in the event one of the following occurs:

- a. A personal injury accident that requires the service of a physician;
- b. A personal injury accident that causes disability exceeding one day; or
- c. Damage that will require more than one hour of mechanic's time (excluding travel) to repair.

71.19(2) The owner shall promptly notify the commissioner if one of the events listed in subrule 71.19(1) occurs. Notification shall be in writing and shall include the state identification number, owner, and description of accident.

71.19(3) The removal of any part of the damaged conveyance or operating mechanism from the premises is forbidden until permission is granted by the commissioner.

71.19(4) When an accident or injury involves the failure or destruction of any part of the conveyance or its operating mechanism, the use of the conveyance is forbidden until it has been inspected and approved by the commissioner.

ITEM 8. Adopt the following **new** subrules 72.10(3) and 72.10(4):

72.10(3) Permanent lighting shall be installed in the hoistway of an elevator installed after July 1, 2018. The lighting shall be sufficient to provide 19 foot-candles to the car top regardless of where the car is located. Switches to control the hoistway lighting shall be installed at the bottom and the top hoistway access points.

72.10(4) For conveyances installed after August 1, 2018, all electrical wiring in a machine room, control space, control room, machinery space, and hoistway shall be enclosed in metal conduit, flexible conduit, or metal raceways. However, this subrule shall not apply to applications such as traveling cables and car top work lights where movement is required for proper function or operating devices and control equipment where adjustment may be needed.

ITEM 9. Amend subrule 72.13(4) as follows:

72.13(4) *Pit excavation exemption.* ~~The~~ For elevators altered before August 1, 2018, the full length of the platform guard set forth in ASME A17.1, Rule 2.15.9.2(a), shall not be required if all of the following criteria are met:

- a. No other code or rule requires that the pit be excavated or lowered.
- b. The alteration plans do not include the excavation or lowering of the pit floor for any other reason.

c. A full-length platform guard would strike the pit floor when the elevator is on its fully compressed buffer.

d. The clearance between the bottom of the platform guard and the pit floor is 2.5 centimeters (1 inch) when the elevator is on its fully compressed buffer.

ITEM 10. Amend paragraph **72.13(5)“c”** as follows:

c. The applicable version of ASME A17.1 shall be determined by reference to rule 875—72.1(89A). For purposes of ~~rule 875—72.13(89A)~~ subrule 72.13(5), the relevant subrule of 875—72.1(89A) shall apply based on the date the sprinkler is installed instead of the date the conveyance was installed.

ITEM 11. Adopt the following **new** subrule 72.13(7):

72.13(7) Hoistway lighting. In conjunction with an alteration as defined by ASME A17.1, permanent lighting shall be installed in the hoistway of an elevator. The lighting shall be sufficient to provide 19 foot-candles to the car top regardless of where the car is located. Switches to control the hoistway lighting shall be installed at the bottom and the top hoistway access points.

ITEM 12. Adopt the following **new** paragraphs **73.1(3)“g”** to **“i”**:

g. Electrical protective devices required by A17.3, requirement 3.10.4, shall cause the electric power to be removed from the elevator driving-machine motor and brake.

h. Control panels that are designed with a door or cover and lock shall be locked when not in use if equipment unrelated to the elevator is in the machine room. Group 1 security as set forth in A17.1, Section 8.1, shall be utilized.

i. A car top emergency exit pursuant to A17.3(2011), requirement 3.4.4.1(a), shall not be required for a hydraulic elevator if the elevator has manual lowering and it is not equipped with a plunger gripper or safety as described in ASME A17.1(2013), requirement 8.6.5.8.

ITEM 13. Amend subrule 73.1(4) as follows:

73.1(4) The American Society of Mechanical Engineers Safety Code for Elevators and Escalators, A17.1-2013/CSA B44-13 (2013), Rule 2.14.7.1.4, concerning car top lighting and car top electrical outlets, is adopted by reference with an effective date of May 1, 2020. However, if a car top already has a single outlet, installation of a duplex outlet will not be required.

ITEM 14. Amend subrule 73.8(1) as follows:

73.8(1) General. Except as set forth in this rule, all maintenance, repairs and alterations shall comply with the edition of ASME A17.1, Part 8, currently adopted for new conveyances at rule 875—72.1(89A) or ASME A17.7-2007/CSA B44-07, as applicable. Rule 875—71.10(89A) describes alterations which require that the entire conveyance be brought into compliance with the most current code.

ITEM 15. Amend paragraph **73.8(5)“c”** as follows:

c. The applicable version of ASME A17.1 shall be determined by reference to rule 875—72.1(89A). For purposes of ~~rule 875—73.8(89A)~~ subrule 73.8(5), the relevant subrule of 875—72.1(89A) shall apply based on the date the sprinkler is installed instead of the date the conveyance was installed.

ITEM 16. Adopt the following **new** subrule 73.8(8):

73.8(8) Hoistway lighting. In conjunction with an alteration as defined by ASME A17.1, permanent lighting shall be installed in the hoistway of an elevator. The lighting shall be sufficient to provide 19 foot-candles to the car top regardless of where the car is located. Switches to control the hoistway lighting shall be installed at the bottom and the top hoistway access points.

ITEM 17. Amend subrule 73.14(6) as follows:

73.14(6) All safeties operated by a speed governor shall be provided with a speed switch operated by the governor when used with type B or C car safeties on elevators having a rated speed exceeding 150 FPM. A switch shall be provided on the speed governor when used with a counterweight safety for any car speed. The switches required by this subrule shall disconnect power to the elevator driving-machine motor and brake.